

NEW HAMPSHIRE BAR ASSOCIATION  
BOARD OF GOVERNORS MEETING  
Thursday, October 25, 2012  
Bar Center – Concord  
3:00 P.M.

**MINUTES**

Present for all or part of the meeting were:

Jaye Rancourt	F.X. Bruton
Lisa Wellman-Ally	Lanea Witkus
Peter E. Hutchins	Russell F. Hilliard
Robert R. Howard, III	Rolf E. Goodwin
Jennifer L. Parent	Peter F. Imse
Eric D. Cook	Tamara Smith Holtslag
Quentin J. Blaine	Lauren S. Irwin
Jonathan M. Eck	Jeannine L. McCoy
Christopher T. Regan	Denice M. DeStefano
Charles S. Temple	Virginia A. Martin
Judith L. Homan	Daniel R. Wise
Dennis L. Morgan	Joanne M. Hinnendael
Leon I. Goodwin, III	Paula D. Lewis
Jason R. Crance	Valenda Morrissette
Scott H. Harris	

A meeting notice reminder and related materials were emailed October 19<sup>th</sup>. An agenda and additional materials were emailed October 23<sup>rd</sup> & 24<sup>th</sup>. The Agenda is duplicated below in order of consideration of agenda items. Unless otherwise noted, all motions reported are deemed to have been appropriately proposed, seconded and voted upon by those present.

**REGULAR SESSION**

A. CALL TO ORDER Jaye Rancourt


The Regular Session of the October 25, 2012 Board of Governors meeting was called to order at 3:15 p.m. by Bar Association President-elect Jaye Rancourt.

B. Membership Status Changes for October 2012 Denice DeStefano

**The Board received** Membership Status changes, which are attached as a permanent part of these minutes.

C. Report on Dues Waivers as Approved by the Officers Denice DeStefano

The Board **approved the following waiver requests:**

 Waiver of July deadline date to change to Inactive Retired  
- Waiver of July deadline date to change to Inactive  
- Waiver of July deadline date to change to Inactive  
- Waiver of July deadline date to Resign  
- Waiver of July deadline date to Resign

**The Officers approved the following requests for dues waivers:**

- waiver of 100% of 2012-2013 Active dues & Court fees totaling \$520.
- waiver of 100% of 2012-2013 Active dues & Court fees totaling \$520.

- D. Minutes of September 20, 2012 Board Meetings Denice DeStefano

Minutes of the September 20, 2012 Board of Governors meeting **were approved as presented.**

- E. Reappointment of Paul Kfoury to the Workers' Compensation Advisory Panel for a 3-year term as Recommended by the Workers' Comp Section Jaye Rancourt

The **Board approved** the reappointment of Paul Kfoury to the Workers' Compensation Advisory Panel for a 3-year term.

**DISCUSSION / ACTION ITEMS**

- F. NHBA Comments on ABA Consulting Report Jennifer Parent

Immediate Past President Jennifer Parent reported on the work of an NHBA Task Force responding to the ABA Report on the NH Lawyer Disciplinary System. Task Force members include Jennifer, Peter Hutchins, Russ Hilliard, Jaye Rancourt, Derek Lick & Larry Vogelmann (and John Kissinger before he was appointed to the Superior Court).

The Task Force Report includes history of the "old" system and background on the current system. The Task Force met several times to review the ABA Report and sought and incorporated input from Bar members and before formulating their Response to the ABA Recommendations. At the suggestion of the Supreme Court, the Task Force report also includes responses from the PCC and ADO to various recommendations. Jennifer Parent highlighted several of the Task Force recommendations and responded to questions.

**ACTION**

On motion to approve the NHBA Task Force Response to the ABA Report on the NH Lawyer Disciplinary System and submit it to the NH Supreme Court. **PASSED** (unanimously).

- G. Ethics Cmte. Proposed Changes to Trust Accounting Rules Rolf Goodwin  
Peter Imse

Rolf Goodwin and Peter Imse of the NHBA Ethics Committee presented proposed changes to the trust accounting rules (SC Rule 50 & PCC Rule 1.15) to the Board.

The Supreme Court's Advisory Committee on Rules asked the Ethics Committee to look at the ABA's revised Model Trust Accounting rule. The Attorney Discipline Office (ADO) and the Ethics Committee produced different recommendations. A task force from each body then worked together on the proposed changes to these two rules.

Rolf reviewed the proposed changes to Rule 1.15 and reported that the changes to Rule 1.15 are intended to amount to little more than a reorganization for consistency of terminology.

Rule 50 proposal contains substantive changes, representing a significant tightening of the requirements for recordkeeping and safeguards.

Rolf and Peter have underscored with the ADO that changing the rules isn't enough; there needs to be training and educational programs for the members. One option would be to add a trust account segment to the Practical Skills Course. Both Rolf and Peter noted that the proposals before the Board represent a significant compromise from the initial Ethics Committee and ADO positions.

It was pointed out that this input will be submitted to the Supreme Court Advisory Committee on Rules; it is anticipated that the proposed changes will go through the regular rule-revision process from that point.

There were some questions and discussion.

### **ACTION**

On motion to recommend the proposed changes to the trust accounting rules (SC Rule 50 & PCC Rule 1.15), as presented, to the Supreme Court's Advisory Committee on Rules. PASSED (unanimously).

H. Report of the Independent Auditor for FY 2011-12

Rob Howard  
Paula Lewis

Director of Finance & IT, Paula Lewis, highlighted some of the audit findings: membership dues were up by \$17,000; registrations and fees were breakeven; personnel costs were lower than budgeted; excess cash of \$40,000 will go into Board Reserves and pro bono support was below the amount budgeted.

Treasurer Rob Howard noted that the presentation done by the independent auditing firm to the Board Committee on Administration of the Bar (which acts as the Audit committee) confirmed that the monthly financial statements the Board receives are a true reflection of what is going on financially within the organization. The Board Committee met in Executive Session with

the auditors and were pleased to hear that there are no issues and that the auditors reported that they are impressed with the accuracy and sophistication of our financial management and reporting given the complexities of the organization.

### **ACTION**

On motion to approve the 2011-2012 Audited Financials. PASSED (unanimously).

I. Gender Equality Committee Request for Funds

Lauren Irwin

Gender Equality Committee Chair Lauren Irwin thanked the Board for the support given, both financial and staffing, for their series of four training sessions for law firms and offices

on employment practices and career development strategies aimed at expanding opportunities for women in the profession. About 40 members have participated in each of the two sessions offered so far.

The Committee has raised \$1,450 through registration fees for the training program which is in addition to the “budget” approved by the Board of Governors for the Gender Equality Committee for this fiscal year.

Lauren is asking, on behalf of the Gender Equality Committee, authorization to use the remaining funds in their “budget” in two ways; (1) to spend \$650 to bring back Evelyn Murphy ( President of the WAGE Project, Inc.) to speak at the Gender Equality Breakfast at the Midyear Meeting in March, and (2) to use any remaining funds to lower the cost of the Gender Equality Breakfast for attendees.

**ACTION**

On motion to approve the Gender Equality Committee request to expend \$650 for Evelyn Murphy as a speaker at the 2013 Gender Equality Breakfast and to use any remaining funds to lower the cost of the Gender Equality Breakfast for attendees. PASSED (unanimously).

- J. Proposal to Create Insurance Law Section Tamara Smith Holtslag

Tamara Smith Holtslag introduced herself to the Board and provided some background on her qualifications as an insurance law attorney. Tamara was admitted to the NH Bar in 2011 and would like to give back and be a resource through a proposed Insurance Law Section. Tamara would be the chair for the new section’s first year. It was verified that all the necessary paperwork for establishing a new section was received by the Association. One of the Board members questioned if insurance agents and brokers might be included in the section; Tamara felt that they would be.

There were some questions and discussion.

**ACTION**

On motion to approve the establishment of an Insurance Law Section. PASSED (unanimously).

- K. Proposed Revisions to Dispute Resolution Cmte. Procedures Denice DeStefano

Assistant Executive Director and Staff Liaison to the Dispute Resolution Committee Denice DeStefano, reviewed the proposed changes to the General Provisions and Procedures of the Dispute Resolution Committee, including deleting the examples in the opening paragraph on page 2. The last review and updates to this document was done in January 2001. The proposed revisions are really more “housekeeping” in nature, reflecting the way cases currently work their way through the dispute resolution process.

**ACTION**

On motion to approved the proposed revisions to the Dispute Resolution Committee's General Provisions and Procedures. PASSED (unanimously)

L President's Report Jaye Rancourt

President-elect Jaye Rancourt reported on the following on behalf of President Larry Vogelmann:

- CACR 26 – “Vote No on Question #2” campaign is underway; be sure to get signs on your way out this evening. An instruction sheet on sign placement and retrieval as well as how to donate to the *Keep Politics Out of the Courts Committee* is included with all signs.

Emails have been sent to all members with a valid email address. We have received 7 complaints from members receiving an email. One member has asked for a portion of his dues to be refunded. The process allows for a refund of a portion of Bar dues if a position taken by the Association is outside the scope of permitted lobbying. The Board's position is that this is well within the organizations core activities. If a member disagrees, a “Keller” process will be followed. A response will be sent to the member and should arbitration be requested, this matter will come back before the Board.

- Legislative Representatives meeting – Bar officers met with some legislative representatives from the NH House to discuss CACR 26 and the Redress Committee. The meeting was cordial and the discussions interesting.
- Campaign for Legal Services – A “CLS Renegotiation Group” met to discuss a joint effort for the Campaign and Bar Foundation rather than running separate annual appeals. A proposal from the Campaign for Legal Services for changes to the current process was not well received Foundation . There is another meeting next week to continue the discussion.
- Joint Board study meeting – representatives from the NHLA, LARC and the NHBA Boards had their first meeting to explore the possibility of having a joint board for NHLA, LARC and Pro Bono. Pro's and con's were discussed. Another meeting will take place before the end of the year.

M. Leadership Academy Update Jaye Rancourt

President-elect Jaye Rancourt reported that there are eleven (11) participants in this year's Leadership Academy class. The kick-off session (“Retreat”) will be taking place this Friday & Saturday, October 26 & 27 at the Bar Center with a Friday night dinner for the class off-site.

N. Executive Director's Report Jeannine McCoy

Executive Director Jeannine McCoy thanked Jaye for stepping in to run the Board meeting. Jeannine then reported the following:

- Vote No on Question #2 opposition – small “window display” logo signs and public information flyers includes required disclaimer language. The Committee on Cooperation with the Courts is assisting with sign distribution around the state. A political action

committee, "Keep Politics Out of Our Courts", has been established and donations are encouraged to support that group's purchase of advertising space and lawn signs.

- Russ Hilliard is the next president of the New England Bar Association (NEBA). NH will be hosting two NEBA Board meetings, in January and June, and the annual meeting next October in Portsmouth. The program will feature our leadership academy program to help demonstrate to the other New England states how this program can be done on a "shoestring". Other states will be asked to identify up-and-coming leaders to participate in the planning and to attend the NEBA Annual Meeting next October.
  - Sections are an important way of stratifying members and targeting services to them. Adding sections does add to the coordinator's workload, so we need to be sensitive to that as section dues do not cover the administrative overhead cost for sections.
  - Pro Bono and LARC staff met, as suggested by the Legal Services Corporation (LSC) audit group during a monitoring visit of LARC, to discuss process and gain a better understanding of the procedures followed and challenges faced by each entity. The LSC monitors made clear that although LSC provides directly funds LARC, the LSC considers Pro Bono is integral part of LARC's ability to provide legal services to the poor.
  - You Should Know – for the months of July through October were provided. Jeannine noted that **Dove Coordinator Pam Dodge is being Honored** - the NH Coalition Against Domestic and Sexual Violence will be "inducting" **Pam Dodge** into its Hall of Fame, a HUGE and very much deserved honor.
- O. Reporting on Issues, Interests, Concerns from Association Member-Constituents Around the State And Reports from Committee Liaisons

Treasurer Rob Howard reported that he attended Assistant US Attorney Gretchen Witt's retirement party last on October 18. Gretchen served on the Board of Governors for a number of years, and was instrumental in the creation of the Public Sector seat on the Board of Governors. Gretchen was also the 2012 recipient of the Bar's E. Donald Dufresne Award for Outstanding Professionalism.

Public Sector Governor Chuck Temple reported that first year students at the UNH School of Law are donating about 60 hours of pro bono services.

## **ADJOURNMENT**

The October 25, 2012 Board of Governors Meeting adjourned at 5:15 p.m.

Respectfully submitted,

Denice M. DeStefano, for  
Peter E. Hutchins, Secretary

## NEW HAMPSHIRE BAR ASSOCIATION

### Membership Status Changes

Presented to the Board of Governors October 25, 2012

#### Paid Active to **INACTIVE**

Braden, Twain A., Peaks Island, ME (effective September 21, 2012)  
Chase, Rachel S., Quincy, MA (effective October 1, 2012)  
Drabick, James R., Cambridge, MA (effective September 21, 2012)  
Ferrante, Krista B., Boston, MA (effective September 21, 2012)  
Fleming, Dana L., Arlington, MA (effective September 21, 2012)  
Lawless, Eric J., Woburn, MA (effective September 27, 2012)  
Lawson, Daniel R., Washburn, ME (effective September 21, 2012)  
McVane, John G. Houston, TX (effective September 21, 2012)  
Mitchell, Ryan S., Manchester, NH (effective October 5, 2012)  
Rick, Adam T., Chicago, IL (effective October 15, 2012)  
Twomey, Paul J., Epsom, NH (effective September 25, 2012)

#### Paid Active to **INACTIVE RETIRED**

Brown, Gail T., Concord, NH (effective September 21, 2012)  
Donovan, Thomas J., Manchester, NH (effective September 30, 2012)  
LaBelle, Amy L., Amherst, NH (effective September 21, 2012)  
Robinson, Kenneth L., Canterbury, NH (effective September 21, 2012)  
Shapiro, Leonard P., Nashua, NH (effective September 21, 2012)

#### Paid Active to **FULL TIME JUDICIAL**

Introcaso, Julie A., Manchester, NH (effective October 4, 2012)

#### Paid Full Time Judicial to **ACTIVE**

Barber, Anne D., Bartlett, NH (effective October 5, 2012)

#### Paid Full Time Judicial to **INACTIVE RETIRED**

Lawrence, Paul H., Francestown, NH (effective September 21, 2012)

#### Active to **RESIGNED**

Zuk, Debra G., St. Johnsbury, VT (effective September 28, 2012)

#### Paid Inactive to **ACTIVE**

Bloomenthal, Robert T., Lincoln, MA (effective October 5, 2012)  
Harrington, Terri M., Durham, NH (effective October 2, 2012)  
Mincu, Anthony P., Ossipee, NH (effective October 5, 2012)  
Moriarty, Thomas O., Braintree, MA (effective September 27, 2012)

Paid Inactive to **RESIGNED**

Kim, Kyung-hee, Boston, MA (effective October 2, 2012)

Millner, Stephen J., Yardley, PA (effective September 21, 2012)

Inactive to **DECEASED**

Wisniewski, Joseph M., Auburn, NH (effective September 13, 2012)

Suspended to **ACTIVE**

Trombly, Ryan C., Hooksett, NH (effective October 1, 2012)

Suspended to **INACTIVE**

Yacovone, Dianne E., Andover, MA (effective October 1, 2012)

Suspended to **HONORARY INACTIVE**

Sargent, David, J., Sunapee, NH (effective October 1, 2012)

Resigned to **DECEASED**

Durkin, John A., Rollinsford, NH (effective October 16, 2012)